

1 Clayeo C. Arnold, SBN 65070
Kirk J. Wolden, SBN 138902
2 **CLAYEO C. ARNOLD**
A PROFESSIONAL CORPORATION
3 865 Howe Avenue, Suite 300
Sacramento, CA 95825
4 Telephone: (916) 924-3100
Facsimile: (916) 924-1829
5 Email: kwolden@justice4you.com

6 Ernest Cory (ASB-2279-Y83E)
F. Jerome Tapley (ASB-0583-A56T)
7 Hirlye R. "Ryan" Lutz, III (ASB-6641-E59L)
CORY WATSON CROWDER & DEGARIS, P.C.
8 2131 Magnolia Avenue
Birmingham, AL 35205
9 Telephone: (205) 328-2200
Facsimile: (205) 324-7896
10 Email: ecory@cwcd.com; jtapley@cwcd.com;
rlutz@cwcd.com

11 Michael F. Ram (SBN 104805)
12 mram@ramolson.com
RAM & OLSON, LLP
13 555 Montgomery Street, Suite 820
San Francisco, CA 94111
14 Telephone: (415) 433-4949
Facsimile: (415) 433-7311

15 Attorneys for Plaintiffs and the National Class

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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 (OAKLAND DIVISION)
20

21 KIRK KEILHOLTZ and KOLLEEN
22 KEILHOLTZ for themselves and on
behalf of those similarly situated,

23 Plaintiffs,

24 vs.

25 SUPERIOR FIREPLACE COMPANY;
26 LENNOX HEARTH PRODUCTS, INC.;
27 LENNOX INTERNATIONAL, INC. and
DOES 1 through 25, Inclusive;

28 Defendants.

Case No.: 4:08-CV-00836CW

AMENDED STIPULATION AND
~~PROPOSED~~ ORDER RE CASE
MANAGEMENT **AS MODIFIED**

The parties, through their counsel, submit the following stipulation and proposed order to modify the Court's Minute Order and Case Management Order dated May 17, 2009, as amended by the Court on February 23, 2010:.

WHEREAS, in light of the Court's February 16, 2010 Order on class certification and the work necessary to diligently prepare for trial, and to afford the parties the opportunity to attempt to resolve this matter prior to the sending of class notice, the parties agree that certain deadlines in the Court's Case Management Order should be modified and that the trial should be continued as specified below.

Based upon the stipulation of the parties AND GOOD CAUSE APPEARING THEREFORE, the deadlines set forth in the Court's Minute Order and Case Management Order entered on May 23, 2009, as amended by the Court on February 23, 2010, are hereby amended as follows:

The parties will submit a further Stipulation and Proposed Order for appointment of an agreed mediator no later than April 21, 2010. If the parties can not agree on a mediator by this date the Court shall appoint the mediator. Parties to hold initial mediation session with appointed mediator by:

June 16, 2010

Disclosure of identities and reports of expert witnesses

Initial: October 1, 2010

Rebuttal: November 1, 2010

Hearing date for all dispositive motions: October 21, 2010

Completion of fact discovery: November 15, 2010

Completion of expert discovery: December 15, 2010

Final Pre-Trial Conference: January 11, 2011

10 day Jury Trial: January 24, 2010- 2011

1 IT IS SO ORDERED,

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3 Dated: 4/21/2010


JUDGE CLAUDIA WILKEN

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5 SO STIPULATED AND AGREED:

6 Date: April ____, 2010

7 CLAYEO C. ARNOLD
A Professional Law Corporation

8
9 By: _____
Kirk J. Wolden
Attorney for the National Class

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11 Date: April ____, 2010

McKOOL SMITH, P.C.

12
13 By: _____
Robert Elkin
Attorney for Defendants